

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The sole issue raised in the final Official Action issued on October 29, 2003 involves the anticipatory rejection of Claims 1-6, 12-16 and 19-26 based on the disclosure contained in U.S. Patent No. 5,685,581 to *Kritzler et al.* This is the same document relied upon in the prior Official Action. In the Amendment filed on August 7, 2003, the undersigned noted that the Official Action did not identify the features in *Kritzler et al.* believed to correspond to the claimed projection and the claimed groove. The undersigned thus responded to the rejection based on the assumption that the laterally projecting barb 10 in *Kritzler et al.* corresponds to the claimed projection and that the recess 16 of the fork 6 in *Kritzler et al.* corresponds to the claimed groove.

The final Official Action now notes for the first time that the rejection based on the disclosure in *Kritzler et al.* is premised on the interpretation that the pivot 5 in *Kritzler et al.* corresponds to the claimed projection and that the seat 7 in *Kritzler et al.* corresponds to the claimed groove. The prior Official Action did not explain that the pivot 5 in *Kritzler et al.* was interpreted to correspond to the claimed projection and did not explain that the seat 7 in *Kritzler et al.* was interpreted to correspond to the claimed groove. Quite the contrary, page four of the prior Official Action indicated that the pivot 5 in *Kritzler et al.* corresponds to the claimed shaft portion

recited in certain dependent claims while the seat 7 in *Kritzler et al.* corresponds to the claimed slot set forth in various dependent claims.

Considering the unclarity in the prior Official Action, applicant was not afforded an opportunity to meaningfully respond to the rejection. Under these circumstances, the Examiner is respectfully requested to reconsider and withdraw the finality of the most recent Official Action. In the event the Examiner believes the finality of the most recent Official is proper, the Examiner is kindly asked to provide an appropriate explanation addressing the facts discussed above.

Taking into account the interpretation now explained in the most recent Official Action, independent Claims 1, 12 and 19 have been amended to more clearly highlight differences between the claimed vehicle door handle device and the disclosure in the *Kritzler et al.* patent. In particular, Claim 1 has been amended to recite that the first end portion of the handgrip is rotatably mounted on the frame by way of a shaft portion provided on the frame so that the handgrip rotates about the shaft portion. Claim 1 has also been amended to recite that the shaft portion is different from the projection and is received in a slot provided on the first end of the handgrip, and that the slot is different from the groove.

Independent Claim 12 has been amended to recite that the first end of the handgrip is rotatable relative to the frame about the rotation center portion by way of a shaft portion provided on the frame, and that the shaft portion is different from the

projection and is received in a slot provided in the handgrip, with the slot being different from the groove.

Finally, independent Claim 19 has been amended to define that the first end of the handgrip is rotatable relative to the frame about the rotation center portion by way of a shaft portion provided on the frame. The claim has also been amended to recite that the shaft portion is different from the projection and is received in a slot provided in the handgrip, with the slot being different from the groove.

It is noted also that the independent claims have been amended to delete the language added in the previously filed response. This language was previously added based on an incorrect belief regarding the Examiner's interpretation of the disclosure in *Kritzler et al.* This language is no longer appropriate or necessary now that the Examiner's position is explained in the most recent Official Action.

As noted above, the most recent Official Action interprets the pivot 5 in *Kritzler et al.* as corresponding to the claimed projection and interprets the seat 7 in *Kritzler et al.* as corresponding to the claimed groove. Considering this interpretation, amended Claims 1, 12 and 19 are patentably distinguishable in that *Kritzler et al.* lacks a shaft portion different from the projection and received in a slot provided in the handgrip, with the slot being different from the groove. That is, if the pivot 5 in *Kritzler et al.* corresponds to the claimed projection and the seat 7 in *Kritzler et al.* corresponds to the claimed groove, there exists no other structure

which corresponds to the claimed shaft portion and the claimed slot as recited in the amended independent claims.

It is thus submitted that the amended versions of Claims 1, 12 and 19, and the various dependent claims, are allowable. Thus, early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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